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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/780,528	02/09/2001	Robert W. Gilbert	BRI-00027-PRA	8380

7590 10/16/2003

Warn IP Law Office  
P.O. Box 70098  
Rochester Hills, MI 48307

EXAMINER

TSIDULKO, MARK

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 10/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/780,528	<b>Applicant(s)</b> GILBERT ET AL.	
	<b>Examiner</b> Mark Tsidulko	<b>Art Unit</b> 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 30-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-18, 30-32 is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☒ Claim(s) 2-4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s) _____   |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

The submission of amendment filed on 8/25/03 is acknowledged. At this point claims 1, 5 have been amended, new claims 30-32 have been added, claims 19-29 have been canceled without Prejudice and the remaining claims left unchanged. Thus, claims 1-18 and 30-32 are at issue in the instant application.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pastrick (US 5,497,306) in view of Yamada (62-191246).

Referring to Claim 1 Pastrick discloses (Figs. 1, 22) a vehicle mirror having:

- a mirror housing [26'] containing a reflective element [28];
- an attachment portion (Fig. 1) [36 and 38] attached to a vehicle for securing the mirror to the vehicle;
- a lights [30, 32] including a positionable light source (Abstract, lines 2, 3).

Pastrick discloses the instant claimed invention except for a positionable light source for positioning in relation to predetermined input.

Yamada discloses an automobile lamp having a positionable light source for positioning in relation to predetermined input (see Fig. 1, claim 1) in order to adjust illumination.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the positionable light source as taught by Yamada for the device of Pastrick for the purpose of adjustment of illumination.

*Allowable Subject Matter*

Claims 2-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance:

Referring to Claim 2 the prior art of record fails to show a reflector is movable within the housing for directing the light source for positioning in relation to predetermined inputs.

Claims 3, 4 are allowed as claims depended on claim 2.

Claims 5-18, 30-32 are allowed.

The following is an examiner's statement of reasons for allowance:

Referring to Claim 5 the prior art of record fails to show the mirror wherein the lens configured to provide a plurality of optical light outputs depending on the position selected for the reflector.

Claim 6 is allowed as claim depended on claim 5.

Claims 7-11 are allowed as claims depended on claim 6.

Claim 12 is allowed as claim depended on claim 11.

Claims 13, 14 are allowed as claims depended on claim 12.

Claims 15, 17, 18 are allowed as claim depended on claim 14.

Claim 16 is allowed as claim depended on claim 15.

Referring to Claim 30 the prior art of record fails to show a reflector is movable within the housing for directing the light source for positioning in relation to predetermined inputs.

Claims 31, 32 are allowed as claims depended on claim 30.

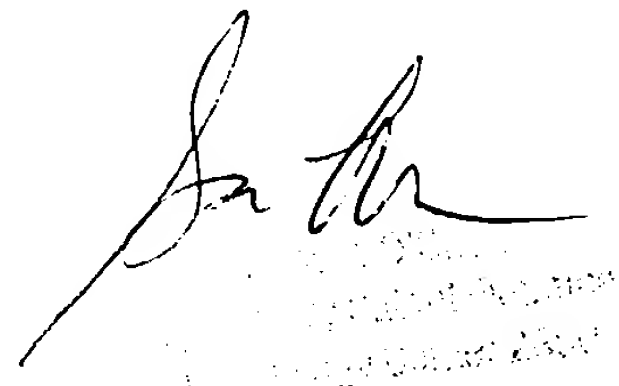
### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Tsidulko whose telephone number is (703)308-1326. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (703) 305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703)872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

M.T.  
September 25, 2003



Handwritten signature of Mark Tsidulko, Examiner, with a circular official stamp below it.